MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MULTI-POSITION FENDERS

FENDERS		F	
The specification of whice a. is attached hereto b. was filed on as described and claimed in United States patent.	application serial no. and was amen		the case of a PCT-filed application) I have reviewed and for which I solicit a
I hereby state that I have any amendment referred		f the above-identified specifi	cation, including the claims, as amended by
certificate listed below ar that of the application on a. \(\sum \) no such application	d have also identified below any foreign the basis of which priority is claimed:		foreign application(s) for patent or inventor ventor's certificate having a filing date befo
b. Such applications i	ave been filed as follows:		
	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER	35 USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	ALL FOREIGN APPLICATION(S), IF ANY, I	FILED BEFORE THE PRIORITY	Y APPLICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Altera, Allan G. Anderson, Gregg I. Reg. No. 28,828 Anderson, Gregg I. Reg. No. 28,828 Batzli, Brian H. Reg. No. 32,960 Beard, John L. Reg. No. 32,960 Beard, John L. Reg. No. 32,960 Beard, John L. Reg. No. 41,940 Beard, John L. Reg. No. 43,496 Beard, John L. Reg. No. 43,496 Blackburn, Murrell W. Reg. No. 50,881 Bortolotti, Rebecca Reg. No. 50,881 Bortolotti, Rebecca Reg. No. 51,488 Bortolotti, Rebecca Reg. No. 41,643 Burke, John E. Reg. No. 34,949 Brown, Jeffrey C. Reg. No. 34,130 Ruleler, Douglas P. Reg. No. 40,921 Brown, Jeffrey C. Reg. No. 34,130 Ruleler, Douglas P. Reg. No. 40,364 Byrne, Linda M. Reg. No. 32,404 Ryrne, Linda M. Reg. No. 32,404 Pauly, Daniel M. Reg. No. 40,364 Byrne, Linda M. Reg. No. 30,247 Peterson, Kyle T. Reg. No. 40,589 Cook, Jeffrey Reg. No. 48,649 Phillips, John B. Reg. No. 43,858 Daley, Dennis R. Reg. No. 34,994 Qualey, Terry Reg. No. 43,858 Daley, Dennis R. Reg. No. 34,994 Qualey, Terry Reg. No. 43,858 Daley, Unitle R. Reg. No. 36,414 Reg. No. 36,414 Reg. No. 37,003 DeVries Smith, Katherine M. Reg. No. 28,707 Schmaltz, David G. Reg. No. 37,703 DeVries Smith, Katherine M. Reg. No. 48,957 Schmaltz, David G. Reg. No. 39,687 Schmaltz, David G. Reg. No. 39,687 Schuman, Mark D. Reg. No. 39,687 Schuman, Mark D. Reg. No. 39,687 Schuman, Mark D. Reg. No. 30,429 Schuman, Mark D. Reg. No. 30,470 Schularia Mark D. Reg. No. 30,472 Schumann, Michael D. Reg. No. 30,482 Schumann, Michael D. Reg. No. 30,472 Schumann, Michael D. Reg. No. 30,482 Schumann, Michael D. Reg. No. 30,493 Schumann, Michael D. Reg. No. 30,493 Schumann, Michael D. Reg. No. 30,492 Schumann, Mark D. Reg. No. 30,492 Schumann, Mark D. Reg. No. 30,492 Schumann, Michael D. Reg. No. 30,492 Schumann, Michael D. Reg. No. 30,492 Schumann, Mark D. Reg. No. 30,492 S	Ali, M. Jeffer	Reg. No. 46,359		
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Kowalchyk, Alan W. Reg. No. 31,535		-		
Kowalchyk, Katherine M. Reg. No. 36,848	• .			
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Larson, James A. Reg. No. 40,443	Laison, James A.	Keg. 140. 40,443		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys. Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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